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VIA ELECTRONIC FILING AND FAX (1-973-297-4906)

Honorable Madeline Cox Arleo, United States Magistrate Judge
United States District Court
MARTIN LUTHER KING COURTHOUSE
50 Walnut Street – Room 2060
Newark, New Jersey 07101

Re: **Russell-Brown v. The University of Florida Board of Trustees et al., No. 10-cv-04017-SDW-MCA**

Dear Judge Arleo:

I represent Plaintiff Sherrie Russell-Brown in the above-referenced matter. Respectfully, I write to advise Your Honor that on November 24, 2010, in response to the Oxford and Media Defendants' Motions to Dismiss, filed October 8, October 12 and November 15, 2010 (Docket Entries 24, 26 and 36, respectively), Ms. Russell-Brown filed a Second Amended Complaint (Docket Entry 39) against all of the Defendants. The filing renders moot the Defendants' Motions to Dismiss. See, e.g., Hughes v. Panasonic Consumer Electronics Co. et al, No. 2:10-cv-00846 (SDW)(MCA) (Docket Entry 13, June 4, 2010) (wherein Your Honor administratively dismissed, without prejudice, defendants' motions to dismiss and to strike and ordered defendants to file an answer or otherwise re-file their motions to dismiss and to strike, addressing all claims set forth in the amended complaint); Merritt v. Fogel, 349 Fed.Appx. 742, 745 (3rd Cir. 2009) (wherein the Court of Appeals held that the filing of the amended complaint rendered moot defendants' motion to dismiss and that there were no motions to dismiss properly pending when the District Court dismissed the plaintiff's complaint).

Further, last week, before filing the Second Amended Complaint, I asked counsel for the Gainesville Defendants, Mr. Ian Marx, whether he would accept service of the Second Amended Complaint on behalf of his clients – counsel for each of the Defendants, including Mr. Marx, have raised that the Gainesville Defendants have not yet been served in this action (see, e.g., Docket

Entries 15 at 2 and 36-1 at 3, n.2). Consequently, I anticipate having served the Second Amended Complaint on the Gainesville Defendants, by the end of this week, December 3, 2010.

In sum, all of the Defendants will be responding, contemporaneously, to the Second Amended Complaint.

Thank you for your consideration.

Respectfully submitted,

/s/ Lennox S. Hinds

LSH/sbt

cc: Zoe Eva Jasper, Esq., Attorney for Defendants the University of Oxford and Oxford University Development (North America), Inc. (via CM/ECF)

Bruce Rosen, Esq., Attorney for Defendants ALM Media, LLC, William L. Pollak and Karen Sloan (via CM/ECF)